

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-368-S - ORDER NO. 2004-191

APRIL 13, 2004

IN RE: Application of Madera Utilities, Inc. for Approval of an Increase in its Sewer Rates and Charges	) ORDER GRANTING ) MODIFICATION OF ) PREFILING DEADLINES ) FOR TESTIMONY
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This matter comes before the Public Service Commission of South Carolina (the "Commission") on the request of the City of Clemson, South Carolina (the "City"), an Intervenor in this proceeding, for modification of the prefiling dates to submit testimony and exhibits regarding the Application of Madera Utilities, Inc. ("Madera") for approval of an increase in rates and charges for its sewerage service. This matter was addressed by the Commission at its regularly scheduled agenda meeting on April 13, 2004.

Subsequent to Madera's Application being filed, the Commission scheduled a hearing on this matter for April 29, 2004, and issued Order No. 2004-169 which established prefiling deadlines for filing testimony and exhibits in the instant docket.

On April 8, 2004, Madera, through its counsel, filed a request that the hearing in this docket be rescheduled. The Commission granted Madera's request and rescheduled the hearing for Thursday, May 13, 2004. Upon Madera's request to reschedule the hearing in this matter, the City on April 9, 2004, filed a request seeking to have the dates for prefiling testimony and exhibits modified to coincide with the rescheduled hearing date. Specifically, the City asks that the date for Commission Staff and Intervenors to

prefile their testimony and exhibits be set for a date two weeks prior to the rescheduled hearing date.

We note that Madera's direct testimony and exhibits have been filed as set forth in prefilings order (Order No. 2004-169) and in an order granting an extension to prefile (Order No. 2004-188); therefore, a modification to the Company's prefilings deadline for direct testimony and exhibits established in Order No. 2004-169 is not necessitated.

Upon consideration of the request of the City for modification of the prefilings deadlines for testimony and exhibits, the Commission finds and concludes that the request should be granted. Accordingly, Order No. 2004-169, dated March 31, 2004, captioned "Order Establishing Prefiling Deadlines" and Order No. 2004-188, dated April 12, 2004, captioned "Order Granting Extension to Prefile Testimony are modified as follows<sup>1</sup>:

The Commission hereby orders that twenty-five copies of the testimony and exhibits of the Commission Staff and/or intervenors shall be prefiled on or before **April 29, 2004**. (Direct testimony and exhibits may be post-marked on these dates.) Also, any rebuttal testimony and exhibits of Madera shall be prefiled on or before **May 6, 2004**, and any surrebuttal testimony and exhibits of the Commission Staff and/or intervenors shall be prefiled on or before **May 11, 2004**. (Rebuttal testimony and exhibits and surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on these dates.) It should be noted that acceptance into the record of surrebuttal testimony and exhibits is subject to the discretion of the Commission.

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<sup>1</sup> The modifications herein relate only to the due dates for prefilings of testimony and exhibits. The instructions concerning filing, number of copies to be filed, and service on other parties have not been modified from Order No. 2004-169, but those instructions are repeated herein for emphasis to the parties.

All parties shall serve their prefiled testimony and exhibits on all other parties of record as required by the Commission's Rules and Regulations. All parties are reminded that all witnesses must be present during any hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses' testimony to be read into the record of the proceeding, and/or may decline to allow the witnesses' exhibits to be entered into the evidence of the case.

Please take note that any party requesting modification of this schedule must file a request for such modification with the Commission.

IT IS THEREFORE ORDERED:

1. The prefiling dates for filing testimony and exhibits as set forth by Order No. 2004-169, dated March 31, 2004, and Order No. 2004-188, dated April 12, 2004, captioned "Order Granting Extension to Prefile Testimony" are hereby modified as outlined above.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



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Mignon L. Clyburn, Chairman

ATTEST:



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Bruce F. Duke, Executive Director

(SEAL)